

## SENATE BILL NO. 70

INTRODUCED BY V. COCCHIARELLA

BY REQUEST OF THE REVENUE AND TRANSPORTATION INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE NOTICE REQUIREMENTS IN AN ACTION TO QUIET TITLE TO A TAX DEED; REQUIRING THAT NOTICE BE GIVEN TO ALL TRUE OWNERS WHOSE NAMES AND ADDRESSES ARE REASONABLY ASCERTAINABLE; AND AMENDING SECTION 15-18-411, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 15-18-411, MCA, is amended to read:

**"15-18-411. Action to quiet title to tax deed -- notice.** (1) (a) In an action brought to set aside or annul any tax deed or to determine the rights of a purchaser to real property claimed to have been acquired through tax proceedings or a tax sale, the purchaser, upon filing an affidavit, may obtain from the court an order directed to the person claiming to:

- (i) own the property;
- (ii) have any interest in or lien upon the property;
- (iii) have a right to redeem the property; or
- (iv) have rights hostile to the tax title.

(b) The person described in subsections (1)(a)(i) through (1)(a)(iv) is referred to as the true owner.

(c) Except as provided in subsection (1)(d), the order described in subsection (1)(a) may command the true owner to:

- (i) deposit with the court for the use of the purchaser:

(A) the amount of all taxes, interest, penalties, and costs that would have accrued if the property had been regularly and legally assessed and taxed as the property of the true owner and was about to be redeemed by the true owner; and

(B) the amount of all sums reasonably paid by the purchaser following the order and after 3 years from the date of the tax sale to preserve the property or to make improvements ~~thereon~~ on the property while in the purchaser's possession, as the total amount of the taxes, interest, penalties, costs, and improvements is alleged

1 by the plaintiff and as must appear in the order; or

2 (ii) show cause on a date to be fixed in the order, not exceeding 30 days from the date of the order, why  
3 ~~such~~ the payment should not be made.

4 (d) The deposit provided for in subsection (1)(c) may not be required of a person found by the court to  
5 be indigent following an examination into the matter by the court upon the request of a true owner claiming to  
6 be indigent.

7 (2) The affidavit must list the name and address of the true owner and whether ~~he~~ the owner is in the  
8 state of Montana, if known to the plaintiff, or state that the address of the true owner is not known to the plaintiff.

9 (3) (a) The order must be filed with the county clerk and a copy served personally upon each person  
10 shown in the affidavit claiming to be a true owner and ~~who is, at that time, known to be in the state of Montana~~  
11 whose name and address are reasonably ascertainable.

12 (b) Jurisdiction is acquired over all other persons by:

13 (i) publishing the order once in the official newspaper of the county;

14 (ii) posting the order in three public places in the county at least 10 days prior to the hearing; and

15 (iii) giving a copy to the county treasurer."

16 - END -